

February 6, 2007

Commissioners met on this day with the following members present: John Richwine, Patricia Dillon and Paul Wilson. Also present was County Attorney Jim Wilson, County Auditor Kathy Stoops-Wright, 2nd Deputy Jane Lyons and Commissioners Office Manager Linda Smith.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes for January 2, 2007 and January 16, 2007 upon motions made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

IN THE MATTER OF VEHICLE REQUEST FROM THE HEALTH DEPARTMENT

This request was tabled due to no one from the Health Department being at the meeting. Motion to table until the February 20, 2007 meeting made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF PROFESSIONAL SERVICES AGREEMENT WITH SCHNEIDER

Commissioners approved the Professional Services Agreement between the Madison County Commissioners and The Schneider Corporation for the Project Name: Madison County Foster Brance Regulated Drain. Total fee for said Agreement is \$88,100.00. Motion to approve made by John Richwine and seconded by Patricia Dillon. Motion carried unanimously.

IN THE MATTER OF MEMORANDUM OF UNDERSTANDING BETWEEN MADISON COUNTY AND THE SOIL AND WATER CONSERVATION

Commissioners approved the following Memorandum of Understanding with the Madison County Soil and Water Conservation. Motion to approve made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING, hereinafter referred to as "MOU", is entered into this _____ day of _____, 2007, by and between Madison County, hereinafter referred to as "County", and the Madison County Soil and Water Conservation District, hereinafter referred to as "SWCD".

This MOU will provide mechanisms for effective coordination of all of the interests and concerns of the agencies involved in addressing Pollution Prevention Plan review and in overseeing the inspection of Pollution Prevention Plan implementation site inspections.

I. PARTIES

1. The following officials, or their representatives, are parties to this MOU (collectively "Parties"):

Madison County Soil and Water Conservation District

Madison County

II. BACKGROUND AND HISTORY OF POLLUTION PREVENTION PLAN REVIEWS & SITE INSPECTIONS

1. [327 IAC 15-5](#) (Rule 5) has been revised to meet the federal Phase II requirements of the Clean Water Act. The revised Rule 5 became effective on November 26, 2003. This general permit rule applies to construction activities that result in the disturbance of one (1) or more acres of land. By definition in the rule, "land disturbing activity means any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading." If a developer or project site owner conducts a land disturbing activity that disturbs one (1) or more acres of land, the project site owner must apply for coverage under a Rule 5 general storm water permit.

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2. If a construction project disturbs less than one (1) acre of land, a Rule 5 permit is not required, unless the project is part of a “larger common plan of development or sale” or the land disturbing activity is determined to be causing an adverse impact to the environment, primarily related to a water of the state. By definition in the rule, “larger common plan of development or sale means a plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.” If a project results in the disturbance on less than one (1) acre of land but is considered part of a “larger common plan of development or sale,” a Rule 5 permit is required for the larger common plan, that includes the individual lots with land disturbances of less than one (1) acre. An original or intermediate project site owner may have continuing responsibility for land disturbing activities at a site after lots are sold
3. The Parties and their representatives recognize the importance of coordinating the review, monitoring and reporting of PPP plans and implementation within the affected MS4 Phase II area of designation. The purpose of this MOU is to provide a framework for such coordination and cooperation among the Parties and for the implementation of the activities stated in this MOU.

III. POLICY STATEMENT

1. Each Party to this MOU is responsible for ensuring that its obligations are met.
2. Each Party agrees to maintain on the part of its staff a high level of cooperation with the other Party’s staff to assure successful and effective coordination with regard to review, monitoring and reporting of PPP plans and implementation.
3. The Parties may designate technical representatives to coordinate the Parties’ activities relating to the implementation of this agreement.
4. The technical representatives may be directed to conduct and oversee scientific and technical activities necessary to the coordination of projects.
5. Each Party will bear its own costs in the performance of its duties and responsibilities under this MOU.

IV. AUTHORITY

1. The Parties enter into this MOU in accordance with the authorities provided for each such agency by all applicable state and federal laws and regulations.

V. DUTIES AND RESPONSIBILITIES OF THE SWCD

1. In accordance with applicable law, the SWCD shall coordinate, and, where appropriate, carry out all matters under this MOU including, but not limited to, the following duties and responsibilities:
 - a. Receive Pollution Prevention Plans from all developers subject to Rule 5 regulations.
 - b. Receive fees for review of Pollution Prevention Plans and on-site inspections.
 - c. Maintain records and files of all current Rule 5 projects.
 - d. Conduct review, comment, approval and denial of Rule 5 Pollution Prevention Plans. By rule, the SWCD will have 28 days complete

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- e. PPP review. However, the SWCD will strive to obtain PPP review completion between 7 and 14 days within receipt of the plan(s)
- f. Immediately upon completion of plan review, the SWCD will submit review forms to the County and the developer.
- g. Conduct site inspections to verify adequate implementation of Pollution Prevention Plans. The site inspections must be completed as necessary and / or at least twice monthly until project termination.
- h. Complete site visit report for each on-site site visit. Submit site visit reports to County and developer.
- i. If a negative review of Pollution Prevention Plans or on-site reviews are issued, communicate with developer and County on how to improve the site condition to gain compliance.
- j. Assist County with information / awareness sessions targeted at developers regarding Rule 5 compliance.

VI. DUTIES AND RESPONSIBILITIES OF THE COUNTY

1. In accordance with applicable law, the County shall coordinate, and, where appropriate, carry out all matters under this MOU including, but not limited to, the following duties and responsibilities:
 - a. Communicate with developer that SWCD is responsible for review of Pollution Prevention Plans and on-site reviews.
 - b. If a negative review of Pollution Prevention Plans or on-site reviews are received from SWCD, communicate with developer and SWCD on how to improve the site condition to gain compliance.
 - c. Assist SWCD with information / awareness sessions targeted at developers regarding Rule 5 compliance.
 - d. Carry out enforcement proceedings against developer if developer does not comply with regulations regarding Pollution Prevention Plans and on-site implementation of Pollution Prevention Plans.

VII. DISPUTE RESOLUTION

1. In the event of a dispute involving any decisions under this MOU, the Parties shall promptly attempt to resolve the dispute through good faith discussions. If necessary, the Parties may establish other mechanisms by which disputes may be resolved.

VIII. MODIFICATION AND TERMINATION

1. This MOU may be modified or terminated only by the mutual written agreement of the Parties.
2. In the event of withdrawal by any Party pursuant to the preceding paragraph, this MOU shall remain in full force and effect for the remaining Parties.

IX. LIMITATION

1. Nothing in this MOU shall be construed as obligating either Party for responsibilities other than specifically mentioned in this MOU
2. Nothing in this MOU shall be construed as creating any rights to third party challenges, appeals, or causes of action.

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X. EXECUTION AND EFFECTIVE DATE

- 1. This MOU may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute an original MOU.
- 2. The effective date of this MOU shall be the date of the signature of the last Party to sign.
- 3. This MOU relates only to rules and regulations pertaining to Phase II Stormwater and the Rule 5. Nothing in this MOU shall be construed to affect in any way any of the Parties’ authorities, rights, duties, or responsibilities under any statutory or regulatory authorities or common law.
- 4. Nothing in this MOU shall be construed to create, either expressly or by implication, the relationship of agency among the Parties. No Party is authorized to represent or act on behalf of any other Party in any matter relating to the subject matter of this MOU. No Party shall be liable for the contracts, acts, errors, or omissions of the agents, employees, or contractors of any other Party with respect to, or in performance of, the actions contemplated by this MOU.
- 5. Except as provided in Section VIII. regarding Modification and Termination, this MOU will remain in effect for two years.

The parties hereby acknowledge the foregoing and the terms and conditions of their understanding.

Madison County Soil and Water Conservation District	Madison County
By: _____ Signature Date	By: _____ Signature Date
_____	_____
Title	

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IN THE MATTER OF ALEXANDRIA LIBRARY BOARD APPOINTMENT

The appointment for the Alexandria Library Board was tabled until the next meeting. Motion made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

IN THE MATTER OF DOMESTIC VIOLENCE FATALITY TEAM APPOINTMENT

Commissioners appointed Russ Willis to the Domestic Violence Fatality Team upon motions made by John Richwine and seconded by Patricia Dillon. Motion carried unanimously.

IN THE MATTER OF ORDINANCE NO 2007-BC-O-01, AN ORDINANCE AMENDING AND PARTIALLY REPEALING TEXT OF MADISON COUNTY LAND USE AND DEVELOPMENT CODE ORDINANCE NO 2002-BC-O-06

After an extensive discussion and several concerned citizens opposing some of the issues in the Ordinance, concerning the test waters and well monitoring. Commissioner Wilson made a motion to approved Ordinance No 2007-BC-O-01 as recommended by the Planning Commission with technical changes that were noted but identify that motion as pertaining to Subdivision Control Ordinance Article 3 motion seconded by John Richwine. Motion carried unanimously.

ORDINANCE NO. 2007-BC-0-_____

**ORDINANCE AMENDING AND PARTIALLY
REPEALING TEXT OF MADISON COUNTY LAND USE
AND DEVELOPMENT CODE ORDINANCE NO. 2002-BC-
06**

The Madison County Planning Commission did on January 17, 2007, at a specially scheduled meeting duly advertise, approve certain amendments to the Madison County Zoning Ordinance, and pursuant to *Indiana Code §36-7-4-606*, submitted the same to the Madison County Board of Commissioners.

That the Madison County Board of Commissioners at their regularly scheduled meeting on February 6, 2007, conducted a public hearing upon the amendments presented by the Madison County Planning Commission.

Upon Motion being duly made and seconded, the following amendments to the Madison County Land Use and Development Code were unanimously adopted by the Madison County Board of Commissioners and the Madison County Code is amended as follows:

- Subdivision Control Ordinance**, Article 3 Administrative Subdivisions,
3.3 Administrative Subdivision Application and Review Procedure change the following
E: Final Plat Procedure: (This takes the place of the existing E in the Ordinance)
- a. Final Plat (paper copy) is submitted to the County Surveyor for review (initial review is to be completed within 3 business days of submittal – i.e. if plat is turned in on Monday at 9:00 A.M., review will be completed by Thursday at 9:00 A.M., barring paid holidays or courthouse closings).
 - b. After review is complete, Final Plat applicant (surveyor) will be notified by the Surveyor's Office by phone (will fax and/or email as well if request is made in writing that includes email address and/or fax number, and submitted with the Final Plat)
 - c. Final Plat applicant (surveyor) will pick up the Final Plat from the County Surveyor's Office. A form will be included with the Final Plat detailing any changes that need to be made.
 - d. Final Plat applicant (surveyor) will return a mylar copy of the Final Plat to the Surveyor's Office that is signed and stamped by the surveyor and signed by the property owners. (Surveyor must use his/her discretion as to submit a mylar at this time. If several errors were found initially, surveyor may wish to submit

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- e. another paper copy verifying all corrections have been made, and no additional errors created. Each paper submission will be reviewed within 3 business days).
- f. Final Plat (mylar copy) is reviewed by the County Surveyor's Office. (Review of mylar will be completed within 2 business days, with priority placed on those plats attempting to meet the filing deadline for the Plat Review Committee).
- g. If all criteria has been met by the County Surveyor, the Final Plat is signed by the County Surveyor and submitted to the Planning Department. Planning Department then places the Final Plat on the next Plat Review Committee Meeting Agenda. County Surveyor's Office will notify the surveyor by phone (will fax and/or email as well if request is made in writing that includes email address and/or fax number, and submitted with the mylar copy of the Final Plat).
- h. Surveyor appears before the Plat Review Committee. If plat is approved, the Planning Director signs the plat and the surveyor takes the plat to the County Auditor for transfer and to the Recorder's Office for Recording. Approval of the Final Plat shall be effective for a maximum period of one (1) year from the date of approval, unless it is signed and recorded as required by this Ordinance.
- i. A paper copy of the recorded plat is submitted to the Planning Department.
- j. A building permit may be obtained for any lot in the recorded Administrative Plat.
- k. Required copies to be submitted with final plat to the county surveyor:
 - 1. The Final Plat
 - 2. Copy of the boundary Surveyor
 - 3. Copy of the deeds for all surrounding property owners
 - 4. Copy of the deed for the parent tract
 - 5. Copy of recorded documents for any easements, right-of-way grants or takings that are depicted on the Final Plat.
 - 6. If recorded documentation does not exist for easements or right-of-ways shown on the Final Plat, the surveyor is to provide the documentation utilized to depict the easement and/or right-of-way (this does not include the typical existing 16.5' right-of-way from centerline that exists along section lines)

3.4 Specifications for Administrative Subdivision Documents to be submitted.

Add:

H. BOUNDARY SURVEY REQUIREMENT: A recorded boundary survey must be prepared for all Administrative Plats, pursuant to Title 865, Article 1, Chapter 12, Sections 1-34. The instrument number for the recorded boundary survey must be affixed to the Administrative Final Plat.

The boundary survey is to include any and all improvements located within the Final Plat. Exceptions to this rule are as follows:

- a. One lot makes up the Final Plat and all improvements on the parent tract are wholly within the one lot (statement must be made on the Final Plat to this affect)
- b. County Surveyor may use his/her discretion when asked by the surveyor preparing a Final Plat, but only for circumstances that include vast amounts of improvements (i.e. farms, businesses, etc.)

I. DRAINAGE BOARD APPROVAL: Drainage Board approval is required before the Final Plat may be submitted to the County Surveyor's Office for review.

J. STATEMENTS: Any statements, changes, or requirements placed on the Administrative Plat during the Rural Development Concept Plan Plat Review Meeting, the Madison County Drainage Board Meeting, and any other governmental entities reviewing the plat are the complete responsibility of the private surveyor. If these statements, changes, and/or requirements were requested, but not placed on the Final Plat, and is not found until the Plat Review Meeting for the Final Plat hearing, the surveyor will be required to make the changes and then resubmit the Final Plat to the County Surveyor.

FARM ANIMAL STANDARDS (FA)

6.19, Page 127

A. Scope and Purpose

The Madison County Plan Commission recognizes that agriculture is the foundation of our county and is essential to the continued economic well-being of the county. They understand that with ever improving technology and market trends the agricultural industry has evolved. To minimize adverse effects and to protect the public health and safety, consideration should be given to many branches of the agricultural industry and their effect on the environment. The Plan Commission recognizes that Madison County has many diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and specifications for Confined Feeding Operations may vary depending on these conditions.

Confined Feeding Operations regulations are hereby established in order to encourage the flexibility in the development of land that may be necessary to permit adjustments to changing public and private needs; to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs; to promote the more efficient use of land so as to preserve and enhance the natural characteristics and unique features of a property; to improve the design, character and quality of new development; to encourage integrated planning for economical provision of streets/roads/infrastructures and other utilities to reduce the burden by more efficient development; and to conserve the value of land.

The regulations in this section are in addition to the promulgated rules from the Indiana Department of Environmental Management (IDEM), Environmental Protection Agency (EPA) or any other agency or board designated at the federal, state, or local level to monitor or regulate Confined Feeding Operations either directly or indirectly. Any revisions to the state or federal rules shall be accepted in these regulations, without amendment and while printed revisions are updated. In the case of conflicting requirements, the more restrictive requirement will prevail.

Basic Provisions 1.5, Page 6

Definitions not specifically set forth herein shall be as defined by Rule 2, 327 IAC 16-1-2 as may be modified.

Confined Feeding: The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where: (1) animals are confined, fed and maintained for at least forty-five (45) days during any twelve (12) month period; and (2) ground cover or vegetation is not sustained over at least fifty (50%) of the confinement area. The term does not include (1) a livestock market where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis and that is under state or federal supervision; or (2) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

Confined Feeding Operation: Any confined feeding of at least three hundred (300) cattle; six hundred (600) swine or sheep or thirty thousand (30,000) fowl; or animal feeding operations electing to be subject to IC 13-18-10; or animal feeding operations that causes a violation of the Indiana water pollution control laws or any rules of the Water Pollution Control Board or of IC 13-18-10. The confined feeding operation includes (1) manure storage structures; (2) manure treatment systems; (3) feedlot, (4) confinement buildings, (5) or waste liquid handling, storage and treatment systems.

Filter Strip: A filter strip is a relatively uniform and maintained vegetated area used for collecting sediment and cleansing run-off.

Manure: Any liquid or solid animal excreta or any used bedding, litter, waste liquid, or contaminated run-off.

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Sensitive Area: A sensitive area is a site where conditions pose a specific water quality threat to one (1) or more of the following: (1) public water supply wells, (2) wellhead protection areas, (3) drinking water supply wells, (4) identified wetlands, except for wetlands constructed for manure management, (5) habitat of endangered species, (6) natural areas including parks, natural preserves, historic sites, and public lands.

Staging: Staging means the temporary placement of manure in a pile at the site where the manure will be land applied.

Farm Animal Standards (FA), Page 127

A. Confined Feeding Operations

1. Special Use from the Madison County Board of Zoning Appeals is required.
2. Pre-application Permit
 - a. A pre-application permit for any CFO or CAFO may be obtained prior to the applicant's submission of any IDEM confined feeding permit application. This pre-application permit and site plan shall be filed with the Madison County Planning Department and shall prevent, for 12 months, unless extended by the Madison County Board of Zoning Appeals, any landowner from obtaining a building permit for a residence to be built within the setbacks established herein without the landowner submitting a written waiver acknowledging that a CFO/CAFO is being requested and consenting to the approval, as submitted. This written waiver shall be recorded with the Recorder of Madison County and include the legal description of the real estate.
 - b. Each property owner within 2500 feet of the proposed CFO or CAFO shall be notified by certified mail by the applicant of the proposed IDEM permit application and pre-application permit. This notification shall be in a form approved by the Madison County Planning Department and sent no later than the 3rd day after the filing of the pre-application permit. The owner of the CFO or CAFO shall, no later than the 10th day after the filing of the pre-application permit, file with the Madison County Plan Department a list of the property owners required to be notified, together with proof of such notification and the permit will be issued.
3. Confined feeding operations shall be exempt from the Farm Animal Capacity Requirements table above.
4. Confined feeding operations shall meet any applicable requirements for the Federal, state, or local government, and shall be consistent with the following standards
5. The minimum lot size on which confined feeding operations shall be permitted is 40 acres.
6. Structures used for confined feeding operations, including waste disposal lagoons, shall be setback a minimum of 100 feet from all property lines
7. The Indiana Department of Environmental Management application shall be submitted along with the other supporting material for the special use; including a copy of the manure management plan approved during the Indiana Confined Feeding Regulation Program permitting process. All CFO's must follow all manure application rules defined in their IDEM permit.
8. Confined feeding operations shall not be located closer than 500 feet from the nearest corner of a structure used in the CFO to the nearest corner of any existing residential structure unless written consent is obtained from the property owner and 1,320 feet from any residentially zoned property
9. Confined feeding operation may not be expanded or enlarged on the subject real estate, unless approved by the Board of Zoning Appeals.

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10. All applicants who had or have ownership in or during the past 5 years in any CFO in the State of Indiana or any other state must not have any outstanding unresolved violations with the Indiana Department of Environmental Management or any other corresponding or comparable local, state or federal regulatory agency. All such outstanding violations regarding water quality must be resolved before a permit will be issued in Madison County. The applicant shall submit a signed affidavit stating that there are no outstanding violations. Falsification of any information presented shall be grounds for denial of the special use permit and the applicant shall be prohibited from re-applying for a period of 1 year and 5 years for falsification of the reports concerning waters of the State.

11. Upon permanent termination of operation (voluntary or involuntary), petitioner or his successor will remove all manure from the storage structure and properly land apply within 180 days. The structure must be closed, pursuant to *327 I.A.C. 15-15-19*, within 3 years. Failure to do so shall authorize County to close the structure at the expense of the landowner/operator.

12. A special use shall not be granted until written approval by IDEM is granted and received.

D. Manure Application

1. A manure application plan shall be filed and approved for any manure application within Madison County by/or obtained from a CAFO approved by IDEM outside of Madison County. The manure requirements as approved by IDEM will apply to all applications in Madison County, unless modified by Madison County.

2. The manure application requirements apply to all ground where the manure is being applied.

3. Manure storage of at least 365 days is required. Locations for staging manure shall be designated in writing and subject to accepted agronomic standards and manure management summary presented.

4. Manure application shall be by injection, unless approved by the Madison County Board of Zoning Appeals.

5. There shall be designated green space/filter strip of 25 feet in width on each side along any surface water, or open ditch or water source used for the collection of the sediment and cleansing runoff on all land application areas owned or controlled by the operator.

6. Manure cannot be applied any closer than 500 feet from any sensitive area, surface water or public water supply intake structure.

7. Manure cannot be applied within 25 feet from the top of bank from any open drain or public roadway.

8. An geotechnical soils engineer shall be hired by Madison County Planning Commission for the purposes of consulting the Commission and conducting monitoring well tests as set out herein. A certified laboratory shall test all water supplies including perimeter tile testing. The CFO/CAFO operator/owner shall pay an annual assessment to cover the cost of such services as provided. Assessments shall be approved by the Madison County Planning Commission.

9. Two monitoring wells shall be installed, at locations determined by the geotechnical soils engineer for each CFO/CAFO pit, lagoon, or building. Each well will be 2" in diameter and placed at a distance not to exceed 50 feet from the structure, pit, or lagoon that will have storage and/or hold manure. The completed depth of these wells (minimum 30 feet) will be determined preferably by the first unconsolidated sand and gravel aquifer encountered below the hydrostatic ground water level. In the event

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bedrock is encountered prior to an unconsolidated sand and gravel aquifer, or the hydrostatic ground water level, the final placement of the well would be on top of the bedrock. Upon completion of these two monitor wells, the wells will be tested for nitrates/nitrites prior to the start up of the CFO/CAFO in order to establish a baseline. Annual testing will be required and records of those tests will be maintained for review purposes. If two consecutive tests show elevated levels of nitrates/nitrites, the geotechnical soils engineer shall notify the Madison County Planning Department and forward copies of those tests. The planning department will notify IDEM and submit these tests for their review.

10. During installation of the two monitoring wells, soil borings and logs shall be kept and reviewed by a geotechnical soils engineer. A report will be submitted by that engineer to the Madison County Planning Department recommending whether or not a liner and the type of liner that should be required, if any. If the engineer recommends a liner, that recommendation and type, along with the basis for that recommendation, shall be forwarded to IDEM for their review and comments during the IDEM permitting process.

COMMENTS: In the case of a building with a pit, two options are available. They are: Option #1) is to apply an integrated membrane system to the exterior wall of the pit areas. This would involve the use of bentonite-based products including Voltex, or equal, (under slab), Volclay Panels, or equal, (perimeter foundation walls), and the use of Waterstop RX, or equal, in all concrete joints. This system, properly installed, will prevent the movement of waste into the local soils and will also prevent the entry of groundwater into the manure pits. Option #2) shall be to apply a membrane system to the interior walls (and columns) of the manure pit. Instead of using prefabricated membranes, a spray-applied system called Strataseal, or equal, shall be utilized. This system would protect the concrete and retard the degradation of the concrete due to exposure to salts in the manure waste.

In each case the liner, panels, or membrane shall be placed to a level higher than the manure will be stored, a 5% overlap is required, and care shall be taken not to puncture either the membrane liner or panels.

Geosynthetic clay liners are high performance environmental liners comprised of geosynthetic carrier components bonded to a layer of low permeability Volclay Sodium Bentonite.

Volclay panels are specifically designed for installation on backfilled wall surfaces. The flutes of these special 4'x 4' panels are filled with Volclay Sodium Bentonite, assuring a one-pound per square foot application of low permeability material.

Stataseal is a polyme-modified asphalt system that adheres to concrete surfaces to form a permanent protective shell.

Waterstop – RX is a sodium bentonite based waterstop designed to stop water infiltration through cast in place concrete construction joints by expanding upon contact with water to form a positive seal against the concrete.

EFFECTIVE DATE. This Ordinance shall be in full force and effect upon passage and notice of adoption as required by law.

This Ordinance was recommended for adoption by the Plan Commission of Madison County, Indiana on the 17th day of January, 2007.

**MADISON COUNTY PLAN
COMMISSION**

BY: _____

President

February 6, 2007

ATTEST:

Secretary

THIS ORDINANCE WAS PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana, this _____ day of February, 2007.

MADISON COUNTY BOARD OF COMMISSIONERS

BY: _____
JOHN RICHWINE, *President*

PAUL F. WILSON, *Member*

PATRICIA DILLON, *Member*

ATTEST:

KATHY STOOPS WRIGHT,
County Auditor

Publish:
Anderson Herald-Bulletin & Elwood Call-Leader

PREPARED BY:
Gerald P. Shine, Jr. (#297-48)
Attorney for Madison County Planning Commission

f:\data\county\land use – amended ordinance (2-2007)

IN THE MATTER OF VACATING ALLEY IN ALEXANDRIA

Attorney, Tom Beeman, representing petitioner, came before the Commissioners with a request to vacate an alley located in Benjamin Ford Addition in Stony Creek Twp between Lots 3 & 4 and Lots 5 & 6. They have notified all adjacent landowners and they are not opposing this vacation. County Engineer stated to the Commissioners that the whole alley should be vacated not just the property in question. Paul Wilson made a motion to approve the vacation pending the County Attorney and Attorney for petitioner to get all the paper work in order and present to the Commissioners. Motion seconded by John Richwine. Motion carried unanimously.

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IN THE MATTER OF ORDINANCE NO.2007-BC-O-02, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF MADISON COUNTY, INDIANA AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS BY JOBSOURCE

Commissioners approved the following Ordinance No. 2007-BC-O-02 upon motions made by John Richwine and seconded by Patricia Dillon. Motion carried unanimously.

Special Ordinance No. _____

**ORDINANCE OF THE BOARD OF COMMISSIONERS
OF MADISON COUNTY, INDIANA
AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS BY JOBSOURCE**

Whereas, JobSource is an executive department of Madison County, Indiana;

Whereas, JobSource, in the course of carrying out its duties for the County, must pay certain claims incurred as a result of Workforce Investment Act, Low Income Energy Assistance Program and other federal and state program activities;

Whereas, these payments cannot, in all cases, await prior approval of the Board of Commissioners at a regularly scheduled meeting thereof;

Whereas, it is desirable for JobSource to have the legal ability to pay claims as they become due and in a timely fashion. .

Now, therefore, it is ordained by the Board of Commissioners of Madison County as follows:

Section 1. JobSource may submit claims and cause payment for same to be made as incurred as a result of its federal and state program actions and for administrative purposes thereof, including payment for license or permits, insurance premiums, utility payment or other payments made directly to or on behalf of a participant, maintenance or service agreements, payroll and payroll taxes, and that such payments may be paid prior to approval by the Board of Commissioners, however, payments shall be made only in accordance with the terms of this Ordinance.

Section 2. Each payment of expenses under this Ordinance must be supported by a fully itemized invoice or bill and certification by the County Auditor; all payments for claims to be made under this Ordinance shall be drawn upon JobSource's account(s), however, and signed by the County Auditor and County Treasurer.

Section 3. The Board of Commissioners shall have the right to review and allow all such claims paid hereunder at its next regular or special meeting following the pre-approved payment of the expense in question.

Section 4. This Ordinance is adopted in accordance with I.C. §36-2-6-4.5.

Signed and adopted this ____ day of _____, 2007.

Commissioner

Commissioner

Commissioner

IN THE MATTER OF SURETY BONDS FOR ELECTED OFFICIALS

Commissioners approved Surety Bonds for the following Elected Officials:

Cheryl Heath-County Assessor

Lisa Hobbs-County Recorder

Patricia Davis-Anderson Twp Assessor

Ned Dunnichay-County Coroner

Motion to approve made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

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IN THE MATTER OF CHEMICAL PEOPLE TASK FORCE 2007 GRANT ALLOCATIONS

Commissioner Wilson presented a list of allocations to be distributed from the County Drug Free Community Fund from the Chemical People Task Force Grant Screening Committee. Total amount to be distributed is \$149,164.00. Motion to approve made by Patricia Dillon and seconded by Paul Wilson. Motion carried unanimously.

IN THE MATTER OF MADISON COUNTY BRIDGE 87 DESIGN CONTRACT

County Engineer, Chuck Leser, presented a Bridge Replacement Design Contract with United Consulting Engineers for Madison County Bridge 87, CR 700 N over Little Killbuck Creek. The amount of the contract is not to exceed \$144,600.00. Motion to approve made by Paul Wilson and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF MADISON COUNTY BRIDGE 97 SUPPLEMENTAL AGREEMENT

County Engineer, Chuck Leser, presented a Supplemental Agreement with Floyd E Burroughs and Assoc. Inc. for Madison County Bridge 97, CR 450 N over Killbuck Creek. The amount of the agreement is not to exceed \$20,615.00. Motion to approve made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

IN THE MATTER OF DRIVEWAY PERMITS

Commissioners approved the following Driveway Permits upon motions made by Patricia Dillon and seconded by John Richwine. Motion carried unanimously.

D06-170	Stephen M Copua	Fall Cr Dr ½ mi W of 650 W	Green
D07-2	Michael Beher	1600 N .34 mi W of 300 E, S side	Van Buren
D07-3	Ultimate Ethanol	1300 N 830ft W of 100E N side	Monroe
D07-6	CP Morgan	Summerlake L 531	Green
D07-7	CP Morgan	Summerlake L 770	Green
D07-8	CP Morgan	Summerlake L 584	Green
D07-9	TK Constructors	200E ¼ mi S of 500N W side	Richland
D07-10	CP Morgan	Summerlake L 521	Green
D07-11	CP Morgan	Summerlake L 796	Green
D07-12	Rollo Adkins	Watt Landing L 5	Fall Creek
D07-13	Michael T Stull	Hickory Hills E L 103	Fall Creek
D07-14	Mustin Builders	Lindberg Est L 154	Union
D07-15	CP Morgan	Summerlake L 789	Green
D07-16	CP Morgan	Summerlake L 529	Green
D07-17	CP Morgan	Summerlake L 599	Green

IN THE MATTER OF UTILITY PERMITS

Commissioners approved the following Utility Permits upon motions made by Patricia Dillon and seconded by John Richwine. Motion carried unanimously.

U07-12	Vectren Energy	3124 N 50 W	Lafayette
U07-13	Duke Energy	200S, 2200' W of 900W, E to 700 W	Stony Cr
U07-14	Vectren Energy	6221 W Foster Branch Dr	FBW/Fall Cr

There being no further business the meeting was adjourned upon motions made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

BOARD OF COMMISSIONERS

